



**State of Utah**

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*Lieutenant Governor*

**Department of Human Services**

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*Executive Director*

Division of Services for People with Disabilities

ALAN K. ORMSBY, J.D.  
*Director*

**M E M O**

To: All Service Providers, Private Support Coordinators, Bureau of Long-Term Care Financing and State and Regional Employees

From: Alan K. Ormsby, J.D., Director, Division of Services for People with Disabilities

Date: August 10, 2010

Re: Rescinding Memo Dated May 6, 2010 Titled "Guidance Related to Plan Year (Varies by Person) and Fiscal Year (July 1-June 30) in USTEPS"

On May 6, 2010, a memo titled "Guidance Related to Plan Year (Varies by Person) and Fiscal Year (July 1-June 30) in USTEPS" was sent to all service providers, private support coordinators (SCE), and state and regional employees. Unfortunately, there were errors in the memo which indicated SCE providers could be held financially liable for errors or negligence in managing the fiscal year. The Division received many calls from SCE providers and other providers who were concerned about the liability issue. We understand these concerns. The language in the memo that indicates the SCE provider could be exposed to the possibility of "payback" to the Division for errors or negligence in managing the fiscal year is incorrect. Therefore, the Division is rescinding this memo.

SCE providers are expected to monitor the PCSP **plan year** and use the tools in USTEPS to ensure that there will be adequate resources in the person's support plan year to meet the person's needs. The Division also expects that SCE providers will ensure the delivery of high quality services by following the exact prescriptions arrived at by the Person-Centered Planning Teams and contained within the PCSP. To help SCE providers, we provide abundant and readily available information in USTEPS to aid them in their duty to provide the best possible guidance and case management services to the families and individuals that they serve.

The Division also expects that our SCE providers will abide by their contracts and the SCE standards. An SCE provider's financial liability for improper management of a person's support plan is defined in the SCE providers' contract with the Division.

Additionally, we want to assure all providers that none of the Division's contractors bear any liability exposure for payback based upon billings or spending patterns (in the case of our self-administered families) that may not conform to fiscal year projections. We recognize that these spending patterns may change, month by month. This is proper and meets the needs of the people we serve. Monitoring the funds allocated to the Division by the legislature each fiscal year

remains the obligation of the Division. We ask our SCE providers to assist us with this by helping those they serve follow reasonable spending patterns of their allocated units of service based on the PCSP and the person's plan year. If the SCE provider identifies overspending because needs are not being met, we expect our SCE providers to take appropriate steps to adjust the person's plan.

In conclusion, we want to stress that no one served by the Division should be denied services or have service delivery suspended because of spending patterns that exceed fiscal year projections, provided that their spending and receipt of services conforms to the plan year spending as specified in that individual's PCSP. We want people served in a flexible way that best meets their needs. The person's PCSP drives the plan year, and the plan year should drive the budget. No Division contractor will bear any financial liability or exposure for payback based on variances in expenditures, billing or spending that is out of conformity with fiscal year spending projections, provided that plan year spending according to the PCSP is maintained, and adjustments to the PCSP are based on an assessment of need and are implemented as changes in needs arise.

I apologize for any confusion that my previous guidance caused, and hope that this memo will clarify DSPD's expectations. We are grateful for the assistance that you have given us as prudent stewards of precious public funds. We take seriously our obligation to ensure that the public resources provided to us by the legislature and our federal partners are available to those who need them. The hands-on assistance of our SCE providers is critical, and we expect that to continue.